

REMARKS

Claims 1-20 are pending and rejected. Claims 1, 14 and 19 are amended hereby.

Responsive to the rejection of claims 1 and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,486,233 (Wallingford), Applicants have amended claim 1, and submit that claims 1 and 9 are now in condition for allowance.

Wallingford discloses a collapsible net (Fig. 1), which includes tubular handle 1 and a hand grip 2 on an inner end. The outer end of tubular handle 1 is split at 3 and split portions 4 are curved outwardly and forwardly to terminate in gripping flanges 5 for holding arcuate bar 6. Pivottally connected at 7 to the outer ends of bar 6 are guide loops 8 in which inner ends 9 of flexible net frame 10 are slidably mounted. Loops 8 have a fully extended and collapsed position and flexible net frame 10 is external to tubular handle 1 as shown in Fig. 1. When the net is collapsed or extended, loops 8 assume the proper position for a net during the extending or collapsing operation (column 1, line 44 through column 2, line 3).

In contrast claim 1, as amended, recites in part:

a flexible net support band ... mounted to said retraction mechanism internal to said handle, ...

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Wallingford or any of the other cited references, alone or in combination, and includes distinct advantages therover.

Wallingford discloses a flexible net frame 10 external to tubular handle 1 as shown in Fig.

1. However, Wallingford fails to disclose, teach or suggest a flexible net support band mounted to a retraction mechanism internal to a handle, as is recited in amended claim 1.

An advantage of Applicants' invention is that the supporting band is internal to the handle, thereby reducing the likely-hood of the supporting band snagging other objects. A further

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advantage is that the net and the support band enter the handle by way of separate openings, thereby allowing the support band to provide a bias to the mechanism without interference by the net. Accordingly, Applicants submit that claim 1, and claim 9 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1, 5-8, 14-18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,574,513 (Wearing) in view of U.S. Patent No. 2,115,082 (Phillips) and U.S. Patent No. 5,581,929 (Molloy), Applicants have amended claims 1 and 14, and submit that claims 1, 5-8, 14-18 and 20 are now in condition for allowance.

Wearing discloses a collapsible net assembly 10 (Figs. 1-6) including a handle 3, a slide member 20, a T-member 30, a pair of arms 40, a latch device 50, a net support 45 and a net 5. Slide member 20 slidably engages handle 3. Affixed to the end of handle 3 is T-member 30, which includes a central aperture 34 that tightly engages the end of handle 3 and a cross member 35 that defines a pair of sleeves 38. The interior surface of sleeves 38 slidably engage arms 40. Arms 40 are connected to and pivoted upon a slide member 20, by pins 29 and each arm 40 extends through sleeve 38, being slidably received within a respective opening 39. Net support device 45 supports the strands of net 5 (column 2, line 33 through column 3, line 31).

Phillips discloses a net (Figs. 1-6) including a tube 10 with a flared ferrule 14 at one end thereof. Bolts 16 serve to journal rollers 18, which provide a rolling support for a flat spring metal strip 20 having its end secured in a plug 22, which is slidably carried in the bore of tube 10. Spring strip 20 serves as the frame for a net 26 (page 1, column 2, lines 34-47).

Molloy discloses a fishing net (Figs. 1-4) including tubular shaft handle 10, a net support 12 and a bag net 14. Support 12 has two diverging arms 16 connected together by a first flexible element 18 at their outer ends. Net bag 14 is carried by support 12. Arms 16 are movable lengthwise along handle 10 to a retracted position substantially parallel to the axis of handle 10

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with net 14 being accommodated inside of handle 10. The inner ends of arm 16 are pivotally connected to an annular union 20 provided at an outer end of collar 22 and being slidable along handle 10. Arms 16 are slidably engaged in respective divergent passages 24 of mounting 26 located at an outer end of handle 10. A second flexible element 32 is secured to the inside of net 14 and threaded through mounting 26 and handle 10, to exit through hole 34 in boss 36 of collar 22. Bag net 14 is wholly withdrawn into handle 10 (column 2, lines 16-56).

In contrast claim 1, as amended, recites in part:

a flexible net support band ... mounted to said retraction mechanism internal to said handle, ... and

... said net end having a plurality of openings including a net opening and at least one band opening, said net opening and said at least one band opening separate from each other, said netting connected to said retraction mechanism through said net opening and said net support band passing through said at least one band opening.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Wearing, Phillips, Molloy or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Wearing discloses a collapsible net assembly 10 including a handle 3 and arms 40, which are connected to and pivoted upon a slide member 20, each arm 40 extends through sleeve 38, being slidably received within a respective opening 39. Phillips discloses a net including bolts 16 that also serve as journal rollers 18, which provide a rolling support for a flat spring metal strip 20 having its end secured in a plug 22, which is slidingly carried in the bore of tube 10. Molloy discloses a fishing net including tubular shaft handle 10, and two diverging arms movable lengthwise along handle 10 to a retracted position substantially parallel to the axis of handle 10 with net 14 being accommodated inside of handle 10. However, Wearing, Phillips and Molloy, separately or in combination with each other and any other cited prior art, fail to disclose, teach or

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suggest a flexible net support band mounted to a retraction mechanism internal to a handle, and a net end having a plurality of openings including a net opening and at least one band opening, the net opening and the at least one band opening separate from each other, the netting connected to the retraction mechanism through the net opening and the net support band passing through the at least one band opening, as is recited in amended claim 1.

An advantage of Applicants' invention is that the supporting band is internal to the handle, thereby reducing the likely-hood of the supporting band snagging other objects. A further advantage is that the net and the support band enter the handle by way of separate openings, thereby allowing the support band to provide a bias to the mechanism without interference by the net. Accordingly, Applicants submit that claim 1, and claims 5-8 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast claim 14, as amended, recites in part:

a flexible net support band ... mounted to said retraction mechanism internal to said handle, ... and

... said net end having a plurality of openings including a net opening and at least one band opening, said net opening and said at least one band opening separate from each other, said netting connected to said retraction mechanism through said net opening and said net support band passing through said at least one band opening.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Wearing, Phillips, Molloy or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Wearing discloses a collapsible net assembly 10 including a handle 3 and arms 40, which are connected to and pivoted upon a slide member 20, each arm 40 extends through sleeve 38, being slidably received within a respective opening 39. Phillips discloses a net including bolts 16 that also serve as journal rollers 18, which provide a rolling support for a flat spring metal strip 20

having its end secured in a plug 22, which is slidingly carried in the bore of tube 10. Molloy discloses a fishing net including tubular shaft handle 10, and two diverging arms movable lengthwise along handle 10 to a retracted position substantially parallel to the axis of handle 10 with net 14 being accommodated inside of handle 10. However, Wearing, Phillips and Molloy, separately or in combination with each other and any other cited prior art, fail to disclose, teach or suggest a flexible net support band mounted to a retraction mechanism internal to a handle, and a net end having a plurality of openings including a net opening and at least one band opening, the net opening and the at least one band opening separate from each other, the netting connected to the retraction mechanism through the net opening and the net support band passing through the at least one band opening, as is recited in amended claim 14.

An advantage of Applicants' invention is that the supporting band is internal to the handle, thereby reducing the likely-hood of the supporting band snagging other objects. A further advantage is that the net and the support band enter the handle by way of separate openings, thereby allowing the support band to provide a bias to the mechanism without interference by the net. Accordingly, Applicants submit that claim 14, and claims 15-18 and 20 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1, 2 and 9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,124,952 (Norris et al.) in view of Molloy, Applicants have amended claim 1, and submit that claims 1, 2 and 9 are now in condition for allowance.

Norris et al. disclose a fishing net (Figs. 1, 2 and 4) which includes a collapsible frame, which when the net is not in use, may be collapsed and contained along with the net in a relatively small combination case and handle (page 1, column 1, lines 7-11). Hollow metallic case 1 also serves as a handle for the device. Case 1 is of the same depth throughout its length but increases in width toward one end to form a flaring portion 2. A net supporting frame 3 is formed from a

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flexible metal band, and the ends thereof are brought relatively close together in parallel to each other within case 1 at position 4. These adjacent ends are rigidly secured to a supporting member 5 which is slidable and guided within case 1 by a pin 6 which is secured to member 5 and projects through a longitudinal slot 7 in case 1 to a termination in an enlarged thumb plate 8 exterior of case 1. A cord net 9 is suspended from frame 3 and is secured thereto by a resilient wire 10 (page 1, column 1, line 42,-column 2, line 6). When net 9 is not in use, collapsed frame 3 as well as cord net 9 are contained within case 1. When it is desired to use net 9, thumb plate 8 is pushed out toward flaring end 2, and, as resilient frame 3 is projected from the open end of case 1, it will begin to expand and assume an open position (page 1, column 2, lines 19-30). Flaring end 2 prevents undue bending of the outer end of frame 3 when frame 3 is collapsed and drawn into case 1. Flaring portion 2 also facilitates projection of frame 3 therefrom. To collapse frame 3 and draw it into case 1, thumb plate 8 is moved toward the clip end of case 1. When substantially all of frame 3 has been drawn into case 1, net 9 is then folded between the remaining portion of frame 3, and both frame 3 and net 9 are completely drawn into case 1 (page 1, column 2, lines 38-52).

In contrast claim 1, as amended, recites in part:

a flexible net support band ... and

... said net end having a plurality of openings including a net opening and at least one band opening, said net opening and said at least one band opening separate from each other, said netting connected to said retraction mechanism through said net opening and said net support band passing through said at least one band opening.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Norris et al., Molloy or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

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Norris et al. disclose a fishing net including a collapsible frame, which when the net is not in use, may be collapsed and contained along with the net in a combination case and handle. Molloy discloses a fishing net including tubular shaft handle 10, and two diverging arms movable lengthwise along handle 10 to a retracted position substantially parallel to the axis of handle 10 with net 14 being accommodated inside of handle 10. However, Norris et al. and Molloy, separately or in combination with each other and any other cited prior art, fail to disclose, teach or suggest a flexible net support band, and a net end having a plurality of openings including a net opening and at least one band opening, the net opening and the at least one band opening separate from each other, the netting connected to the retraction mechanism through the net opening and the net support band passing through the at least one band opening, as is recited in amended claim 1.

An advantage of Applicants' invention is that the supporting band is internal to the handle, thereby reducing the likely-hood of the supporting band snagging other objects. A further advantage is that the net and the support band enter the handle by way of separate openings, thereby allowing the support band to provide a bias to the mechanism without interference by the net. Accordingly, Applicants submit that claim 1, and claims 2 and 9 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1-4, 9-13 and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,619,755 (Henson) in view of Molloy, Applicants have amended claims 1 and 19, and submit that claims 1-4, 9-13 and 19 are now in condition for allowance.

Henson discloses a collapsible landing net (Figs. 2-6) including handle 1 having a slidably tubular guide member 4 with a closed end 5 toward open end a of handle 1. Within tubular guide member 4 there is a coil spring 6, which bears against closed end 5 of guide member 4. A pivot

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pin 9 is laterally positioned through pin 8 for pivotally engaging the ends of a pair of spring metal straps 10, which form a hoop 11. Outer ends of straps 10 are pivotally joined by pivot pin 12. Net 15 stows with hoop 11 inside of handle 1 as shown in the Figs.

In contrast claim 1, as amended, recites in part:

a flexible net support band ... and

... said net end having a plurality of openings including a net opening and at least one band opening, said net opening and said at least one band opening separate from each other, said netting connected to said retraction mechanism through said net opening and said net support band passing through said at least one band opening.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Henson, Molloy or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Henson discloses a collapsible landing net including handle 1 and a net 15 that stows with hoop 11 inside of handle 1 as shown in the Figs. Molloy discloses a fishing net including tubular shaft handle 10, and two diverging arms movable lengthwise along handle 10 to a retracted position substantially parallel to the axis of handle 10 with net 14 being accommodated inside of handle 10. However, Henson and Molloy, separately or in combination with each other and any other cited prior art, fail to disclose, teach or suggest a flexible net support band, and a net end having a plurality of openings including a net opening and at least one band opening, the net opening and the at least one band opening separate from each other, the netting connected to the retraction mechanism through the net opening and the net support band passing through the at least one band opening, as is recited in amended claim 1.

An advantage of Applicants' invention is that the supporting band is internal to the handle, thereby reducing the likely-hood of the supporting band snagging other objects. A further advantage is that the net and the support band enter the handle by way of separate openings,

thereby allowing the support band to provide a bias to the mechanism without interference by the net. Accordingly, Applicants submit that claim 1, and claims 2-4 and 9-13 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 19, as amended, recites in part:

providing a netting upon said net support band, said net end having a plurality of openings including a net opening and at least one band opening, said net opening and said at least one band opening separate from each other, said netting connected to said retraction mechanism through said net opening and said net support band passing through said at least one band opening;

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Henson, Molloy or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Henson discloses a collapsible landing net including handle 1 and a net 15 that stows with hoop 11 inside of handle 1 as shown in the Figs. Molloy discloses a fishing net including tubular shaft handle 10, and two diverging arms movable lengthwise along handle 10 to a retracted position substantially parallel to the axis of handle 10 with net 14 being accommodated inside of handle 10. However, Henson and Molloy, separately or in combination with each other and any other cited prior art, fail to disclose, teach or suggest the step of providing a netting upon a net support band, the net end having a plurality of openings including a net opening and at least one band opening, the net opening and the at least one band opening separate from each other, the netting connected to the retraction mechanism through the net opening and the net support band passing through the at least one band opening; as is recited in amended claim 19.

An advantage of Applicants' invention is that the net and the support band enter the handle by way of separate openings, thereby allowing the support band to provide a bias to the mechanism without interference by the net. Accordingly, Applicants submit that claim 19 is now in condition for allowance, which is hereby respectfully requested.

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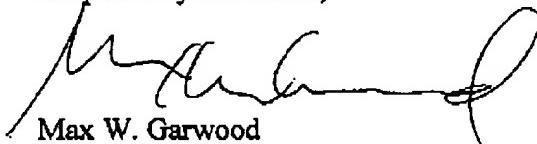
For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095,

TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



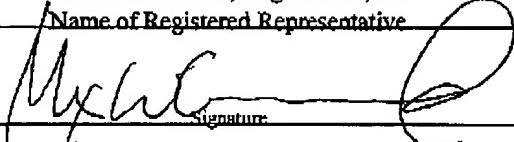
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